

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL No. 2804

Case No. 17-md-2804

This document relates to:

Judge Dan Aaron Polster

*The County of Trumbull v. CVS Health
Corporation et al.*, Case No. 18-op-45079,

and

*The County of Lake v. CVS Health
Corporation et al.*, Case No. 17-md-45032

“Track Three Cases”

and

[Pharmacy Bellwether Case Tracks 7-11]

And

All MDL Cases Involving Chain Pharmacy
Defendants

DECLARATION OF LINDA SINGER

This declaration is filed in support of the Plaintiffs' Executive Committee ("PEC") Emergency Motion to Videotape Trial Testimony of DEA Witness Joseph Rannazzisi to Preserve it for Potential Use at Future Opioids Trial (doc 4001). The PEC filed this motion consistent with, and guided by, its responsibility to represent all plaintiffs in this multidistrict litigation, including in upcoming bellwether cases against Pharmacy Defendants.

The PEC has been made aware that a key witness, Joseph Rannazzisi, former Director of the DEA's Office of Diversion Control, has indicated his desire, after this case, not to continue to testify as a fact witness in the opioid litigation. The PEC understands that his request is driven both by the physical burden of his participation and the fact that he has already provided more than 6 full days of testimony in MDL depositions and trials. After a career of public service, and three years after first appearance before this Court, Mr. Rannazzisi's involvement has come to represent a significant burden on his time and health.

The PEC recognizes that the litigation has been prolonged beyond the expectations of this Court or parties, including, significantly, by the impact of COVID-19. This has created the need to ensure that, in specific and unusual circumstances, video testimony can be preserved for future trials.

As laid out in the underlying Motion, the repeated calls for Mr. Rannazzisi's testimony as a witness has an impact beyond his own involvement. Addressing the legal

issues related to the testimony of federal law enforcement witnesses and ensuring compliance with *Touhy* at trials and depositions has required significant time from personnel from the Department of Justice and the Drug Enforcement Administration, which takes away from mission-critical law enforcement duties. The DOJ laid out its concerns in a letter previously filed with this Court and attached to the PEC's motion.

The PEC asks the Court to ensure that Mr. Rannazzisi's testimony is preserved, but recognizes that the admissibility of his testimony will be a matter to be taken up by this Court or others in future trials. The Motion seeks to ensure that they be given the chance to consider that question.

Respectfully submitted,

/s/Linda Singer

Linda Singer

MOTLEY RICE LLC

401 9th St., NW, Suite 1001

Washington, DC 20004

(202) 232-5504

(202) 232-5513 (fax)

On Behalf of the Plaintiffs' Executive Committee

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger